9679
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 10, 2005

8:30 A.M.

(PAGES 9679 THROUGH 9735)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 9679

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MARCUS, Joseph	9682-SA	9713-A		
(Contd.)				

Santa Maria, California
Tuesday, May 10, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
Counsel?
MR. SANGER: Good morning.

JOSEPH MARCUS
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. SANGER:
Q. Okay. Mr. Marcus, when we left off yesterday, we were talking about the trip to Dr. Seamont's office. Do you recall that?
A. Yes.
Q. All right. You went and picked the family up and you stayed there while they were in the dental office, right?
A. Correct.
Q. All right. Now, at that time, was there a film crew following the family into the dental office?
MR. AUCHINCLOSS: I'll object. Asked and answered. 9682

THE COURT: Sustained.
MR. SANGER: Didn't I ask about the shopping trip and not this? Maybe I did. I apologize if I did.
THE COURT: Now you're testing my memory? I'll let you ask the question.
MR. SANGER: Okay. And I apologize, Your Honor. Maybe I did ask it.
Q. But in any event, was there a film crew following anybody into the dentist's office?
A. No.
Q. And was there -- if I didn't ask it, let me ask this, so I cover both of them. Was there any film crew following the shopping trip to Solvang?
A. No.
Q. And those were two separate occasions; is that correct?
A. Correct.
Q. All right. Now, you are familiar with the gate logs; is that correct?
A. Correct.
Q. And I believe I asked you about this, but just to be certain as well, when you -- are the gate logs kept in the ordinary course of business?
A. Yes.
Q. That's something that you rely on on a regular basis, you and the security staff and others, on a regular basis to run the business at 9683

Neverland Ranch?
A. Correct.
Q. All right. I'm going to ask you to look at a couple of different entries.
Before I do that, let me just ask you if you know off the top of your head what date the trip to Dr. Seamont was.
A. I do not recall.
Q. And do you recall roughly when it was in the -- the year, first of all, I think you said, was 2003, right?
A. It was.
Q. Do you recall roughly when it was in the stay of the Arvizos? Was it towards the beginning? Towards the end?
A. I honestly don't recall.
MR SANGER: All right. Okay. With the Court's permission, I would like to approach the witness with the gate logbook.
THE COURT: You may.
MR. SANGER: I'll tell you what, let's do this, if it's all right with the Court, why don't I just put them up on the screen. That might be easier. If that's all right.
And I'm going to refer to Exhibit 334. And this is page MJ00171. And I'll slide it up so we can see the bottom there.
Q. First of all, this is for 2-24-03. Does 9684

that appear to be correct?
A. Yes.
Q. Okay. Now, the trick is to look over your shoulder and then turn around and talk in the microphone, just as you did. That was perfect. All right. Now, you notice that it says at the bottom there, “Joe Marcus,” and it looks like it was “Gray van.”
A. Yes.
Q. What does that represent?
A. It represents that I left the property at 1759 and returned at 2005 in the gray van.
Q. All right. And right above it, it appears that there’s a reference there that I think says, “Vinnie,” comma, “Arvizos, 4, Pontiac.”
A. Correct.
Q. What does that tell us about that particular transaction?
A. That Vinnie departed the property at 1634 and returned at 1855.
Q. Okay.
A. With four passengers.
Q. Thank you.
A. I believe.
Q. So it looks like he left at 1634 and came back -- he left at 1634 with four passengers and he came back at 1855 hours. Looks like you left in a gray van, 1759, came back at 2005, correct? 9685

A. Correct.
Q. And then if we look up here at the Arvizos, there's a reference to Gavin, Star, Davellin and Janet, correct?
A. Correct.
Q. And it appears that they stayed overnight; is that right?
A. That's correct.
Q. And then it looks like they all left at 1634 hours?
A. Correct.
Q. That would be the same time as Vinnie?
A. That's correct.
Q. And it looks like one of them, Davellin, came back at 1855?
A. Correct.
Q. Is that the same time as anybody else you see on the list there?
A. I believe they came back with Vinnie.
Q. And then it looks like the others, the two boys and Janet, came back at 2005?
A. Correct.
Q. Now, does that refresh your recollection as to when you took this trip to the dental office?
A. Yes.
Q. Does that appear to be the date that that occurred?
A. That appears to be. 9686

Q. All right. In any event, looking at this, it appears that you, in fact, picked up the mother and the two children somewhere and brought them back to the ranch, correct?
A. That's correct.
Q. All right. Now, I'm going to take that off and once again make an effort to keep the book in order. Let me ask you about another entry in the book.
And with the Court's permission, this is Exhibit 334 and it's page MJ00154. We've had that up before. May I put it up?
THE COURT: Yes.
MR. SANGER: Thank you.
Q. So we'll just show at the bottom here, for the record, for everybody's reference, that is the Bates stamp number, and I'm going to put this one up here. And there's a reference here that says, "1752." It appears to say, "The kids are not to leave per Joe. 'Kids' meaning like Gavin, Star, et cetera."
Do you see that reference?
A. Yes.
Q. And that's on 2-19-03; is that correct?
A. That's correct.
Q. Now, you've been asked about this incident both by the defense and by the prosecution, is that correct, by police officers? 9687

A. I don't --
Q. Let's put it this way. Not this particular log entry, but you were asked about whether or not you had ever given instructions that the Arvizo children were not to leave the ranch; is that correct?
A. Yes.
Q. What was the reason that you recall for the Arvizo children not to be leaving the ranch? Before you look at that, I'm sorry, I should have started the other way. I don't want to distract you with that yet. Go ahead.
A. The main reason on this particular situation was that the children had been known to pull up to the gate in vehicles, by themselves without an adult, driving one of Mr. Jackson's vehicles. So I didn't want the guards to allow them off property in a vehicle. That was one situation.
There was also a situation where there was a --
MR. AUCHINCLOSS: I'm going to object as to foundation. Move to strike.
THE COURT: Sustained.
MR. SANGER: Your Honor, I'd like to not offer that for the truth of the matter, but offer it for his state of mind as to why he gave this instruction.
THE COURT: You can do that. But that's not 9688

what you did either. So I'll strike that answer and you can go back and develop that foundation.
MR. SANGER: Let me do that.
Q. Okay. As of February the 19th, 2003, were you aware -- were you aware of any incidents involving the Arvizo children using vehicles in an unauthorized fashion?
A. Yes.
Q. And what were you aware of?
A. That they had used the vehicles of Mr. Jackson's to drive around the property.
Q. All right. Did that cause you any concern as the ranch manager?
A. Yes.
Q. And what was your concern?
A. Number one, their safety. Number two, the safety of the employees and the property. And number three, the vehicle itself.
Q. All right. And what was your frame of mind as far as allowing the Arvizos to leave the property on any vehicles, whether it be automobiles, vans or even ATVs?
A. It was not to happen.
Q. Were the Arvizo children supervised by a parent at all times during February and March of 2003?
A. No.
Q. Were there times when Janet Arvizo was not 9689

there?
A. Yes.
Q. Now, was there something else -- you started to respond. Let me go back and ask you, was there something else in your mind around this time with regard to whether or not the Arvizo children should be allowed to leave the ranch?
A. Yes.
Q. What was that?
A. There was a film documentary that was --
MR. AUCHINCLOSS: I'm going to object. No foundation.
MR. SANGER: Not offered for the truth.
THE COURT: All right. I'll overrule the objection.
THE WITNESS: There was a film documentary that was going to be happening on or off the property, and I do not believe that that had been decided where exactly it was going to happen.
Q. BY MR. SANGER: And who was involved in that documentary?
A. I believe Hamid Moslehi.
Q. Did you know Mr. Moslehi?
A. Yes.
Q. How did you know him, or how long had you known him?
A. For a few years.
Q. And you knew him to be an employee of -- or 9690

a contract employee of Mr. Jackson; is that correct?
A. Correct.
Q. And did you see him on or around February the 19th, 2003?
A. I believe so.
Q. Okay. And what was he doing there?
A. I believe he was coming to do the documentary.
Q. And what was your understanding when he first arrived as to where the documentary would be occurring?
A. I believe it was undecided at that point.
Q. At some point was it determined that the documentary would be done somewhere else?
A. I believe so.
Q. During that period of time, did you discuss with anybody whether or not the children should leave the ranch? During that particular -- on that particular afternoon.
Was there a period of time when you were trying to decide whether or not they should be allowed to leave without their mother?
A. Yes, I needed, obviously, some guidance on that.
Q. All right. At some point, did you receive guidance?
A. I believe so.
Q. And did you authorize the children to leave 9691

with Mr. Moslehi?
A. I believe they did leave.
Q. All right. And now when you look at that entry, 00154 of Exhibit 334, does that seem to reflect an instruction that you gave that particular afternoon at about 5:52?
A. That's correct.
Q. Did that -- did you ever give any instruction to anybody to hold any of the Arvizos against their will?
A. Never.
MR. SANGER: I would like to, with the Court's permission, put up two exhibits. I'll ask at once to do both in succession. 308 and 309, if I could. May I?
THE COURT: Yes.
MR. SANGER: Thank you. Exhibit 308 has already been received into evidence --
MR. AUCHINCLOSS: May I see that?
MR. SANGER: Yes.
Exhibit 308 is a one-page exhibit. I'll put it up so we can see the exhibit number there. And then I'm going to pull it down, and see if we can do a little bit of a wide angle. There we go.
Q. Okay. Up at the top, it says, "Neverland Valley Ranch Security Clearance and Guest Information." Are you familiar with this kind of document? 9692

A. Yes.
Q. And in the course and scope of your duties at the ranch, excuse me, is this the kind of document that is kept in the ordinary course of business?
A. Correct.
Q. And what is the purpose of this document?
A. Number one, to authorize access onto the property. And number two, to advise the proper people what the guests have access to.
Q. All right. Now, at this time, this appears to be for an arrival date of 6-21-02; is that correct?
A. Correct.
Q. And the arrival is expected sometime in the afternoon, right?
A. Correct.
Q. Who were the people who were coming in this particular group?
A. I believe Chris Tucker, Gavin, Star Arvizo, Adrian, Kelly, Davellin, and Aubrey, I believe.
Q. Okay. Now, it said “Gavellin” there, but you take that to -- it should have been “Davellin”; is that right?
A. I believe so.
Q. All right. This particular group -- do you recall, in June of 2002, if this is one of the times that the Arvizos did, in fact, come with Chris 9693

Tucker?
A. I believe so.
Q. Okay. Now, at the bottom there it says, "Special Instructions" -- or, "Special Instruction," I guess, "General Comment." Do you see that section?
A. Yes.
Q. And what does this tell you? What is this supposed to tell the staff that -- both yourself and all the people that work for you there at the ranch, what does this tell you all about --
A. Tells me that the guests have full access to pretty much anything that they would like to enjoy at the property.
Q. Do you know if Mr. Jackson was even on the property at that time?
A. I don't know.
Q. All right. Now, when it says, "Full Access," that's what it says there, and then there's some boxes checked. They aren't boxes, and they aren't checks for that matter. There's some lines with "Xs" on them, correct?
A. Correct.
Q. And that outlines the different kinds of activities, right?
A. Yes.
Q. And I see on there "quadrunners." And I'm pointing to it. You might take a quick look. Is 9694

that right?
A. That's correct.
Q. That means this entire group, including the Arvizo children, were authorized to take out the quadrunners; is that correct?
A. Correct.
Q. Now, does that mean they could do anything they wanted with them?
A. Unfortunately, within reason.
Q. All right. So they could use them, they had full access to them, but they were supposed to use them within reason?
A. Within reason.
Q. Okay. What do you mean by "within reason"?
A. Number one, they should wear helmets, goggles, gloves. That was at times an issue to enforce. Security would try to enforce that, of course.
Q. They were supposed to use them safely?
A. Exactly.
Q. All right. And then I want to make sure I go over the head of the court reporter here, so I don't shine this in her eyes.
There's golf cars, jet skis. All of that's okay; is that right?
A. Yes.
Q. So that was on 6-21-02?
A. Correct. 9695

Q. Now I'm going to take down 308, Exhibit 308.
Put it back in the book here. Okay. And I'm going
to put up 309. And again, I'll just put that up for
everybody's reference so we can see at the bottom
"309," and show you the top.
This, again, appears to be the same type of
document; is that correct?
A. Correct.
Q. And this appears to be for 6-28; is that
correct?
A. That's correct.
Q. If you were to look in the logs, could you
determine what year that was?
A. If I were to look in the logs, possibly.
Q. So for right now, it says, "6-28." All
right. Do you know what year it was without looking
at the logs?
A. No.
Q. In any event, if we look farther down here,
it appears that -- well, I'm sorry, up at the top it
says, "Gavin, brother and sister," correct?
A. Correct.
Q. You took that to pertain to the Arvizos?
A. Correct.
Q. Okay. And then if we look down here - I'll
do it this way - it looks like, "Quadrunners and" --
A. "Jet skis."
Q. "Jet skis," it says, "No." 9696

A. Correct.
Q. So apparently the Arvizo children were not authorized to use the quadrunners and the jet skis on that visit, the 6-28 visit; is that correct?
A. Correct.
MR. SANGER: We could have the lights again, if that's all right, Your Honor.
Thank you.
Q. All right. Now, on February the 11th, early morning of the 12th, do you recall Janet Arvizo leaving the ranch with her children? In the early morning hours of the 12th, actually. Do you recall that?
A. What was the date?
Q. February 12th of 2003.
MR. AUCHINCLOSS: I'll object. Foundation.
MR. SANGER: I'm asking if he recalls personally right now.
THE COURT: All right. You may answer.
THE WITNESS: I do not recall.
Q. BY MR. SANGER: Okay. Do you recall an instance where Jesus Salas took the family to Los Angeles in the middle of the night?
MR. AUCHINCLOSS: I'll object. Foundation.
MR. SANGER: Does he personally know about it.
THE COURT: You may answer.
THE WITNESS: Yes. 9697

Q. BY MR. SANGER: And were you personally
contacted with regard to that trip?
A. Yes.
Q. Who contacted you?
A. I believe it was either --
MR. AUCHINCLOSS: I'll object as hearsay.
THE COURT: Overruled.
You may answer. The question was, "Who
contacted you?"
THE WITNESS: I believe it was Jesus.
Q. BY MR. SANGER: All right. Were you there
on the ranch that night, into the next day?
A. No.
MR. SANGER: What I'm going do, with the
Court's permission, I'm going to ask to approach the
witness to show him some gate logs.
MR. AUCHINCLOSS: I'm going to object and
move to strike his testimony in this area. He has
no personal knowledge.
MR. SANGER: There's no question.
THE COURT: You may approach. The objection
is overruled.
Q. BY MR. SANGER: Okay. I'm going to ask you
to take a moment and take a look at the gate logs.
And you're welcome to look at whatever you want in
there that might help refresh your recollection of
whether you were on the property the night of
February 11th, onto the early morning hours of 9698

1 February the 12th.
2 A. Okay. I believe that's a possibility. But
3 I didn't spend the night there. That's what I
4 thought you were asking.
5 Q. All right. So as you look -- so as you look
6 at the gate logs, does that help refresh your
7 recollection? Either it does or doesn't. If it
8 doesn't, that's okay.
9 Does that help you refresh your recollection
10 as to whether or not you were there into the early
11 morning hours of the 12th?
12 A. Yes, I left at 1:15 a.m.
13 Q. All right. Now, at the time that you
14 were -- let me withdraw that.
15 Do you recall where you were when you were
16 contacted by Jesus Salas?
17 A. I believe I was home.
18 Q. So you think you were actually home by that
19 time?
20 And where do you live, generally? You don't
21 have to give your address, but --
22 A. I live here in town.
23 Q. In Santa Maria?
24 A. Yes.
25 Q. Okay. Now, by reviewing the gate logs, the
26 records of the ranch, can you determine what kind of
27 a vehicle Mr. Salas used to transport this family on
28 that night? You might need to look forward on 9699

the -- to the next date.
A. I'm sorry, I don't see it here.
Q. Okay. Okay. Do you know off the top of your head, or do you --
A. I believe it was a limo.
Q. All right. In any event, whatever kind of a vehicle it was, do you remember -- do you have a Rolls Royce there on the property?
A. Yes. We have a few Rolls Royces.
Q. Okay. Whatever kind of a vehicle it was, was it your understanding that it was a vehicle that belonged to Neverland Ranch?
A. Yes.
Q. And did Mr. Salas take that, with your permission?
A. Yes.
Q. Okay. And he, I take it, returned with it the next day; is that right?
A. Correct.
Q. All right. All right. We're getting close to the end here, which is a lot of good news for you and everybody else.
Let me ask about some of the employees. You had mentioned that you were the ranch manager and therefore in charge of the various departments through the chain of command through the department heads, correct?
A. Correct. 9700

Q. We have had some testimony from Brian Barron, and you may have mentioned already, you know Brian Barron was a police officer; is that correct?
A. Correct.
Q. Were there other people who were former police officers or -- well, let's start with police officers.
A. Yes.
Q. Can you recall during the time you were there how many people had actual peace officer/law enforcement experience?
A. Probably five to ten.
Q. Can you give us the names and associations of some of them, as best you can remember?
MR. AUCHINCLOSS: I'm going to object, relevancy, as to this applicable time frame.
MR. SANGER: I can --
THE COURT: Just a moment.
MR. SANGER: I'm sorry.
THE COURT: Objection is overruled.
MR. SANGER: Very well.
THE WITNESS: Yes. There was Retired Herman Stubblefield, who I believe worked for Santa Barbara County Sheriffs. James Wade, who I believe worked for Santa Barbara County Sheriffs. There was a gentleman from Santa Maria Police Department, Rudy Salinas, I believe. He was also retired Santa Maria P.D. There was a gentleman from Grover -- Kelly 9701

Cook from Grover -- Grover Beach, I believe. And that's really all that comes to mind at the moment.
Q. BY MR. SANGER: Was there a retired military police officer?
A. We currently still employ a gentleman that was a military police.
Q. Okay. Who is that?
A. Curtis Gordon.
Q. Okay. Where was Mr. Gordon at the time of the search on November 18th, 2003?
A. He was at the front gate.
Q. So he would have been the gentleman wearing a security uniform at the front gate?
A. Correct.
Q. And he would have been the gentleman who was greeted by, or greeted, such as it was, the sheriff's officers coming through the gate with their search warrants?
A. That is correct.
Q. Now, all of these people you mentioned, I don't want to go through each one unnecessarily, but did they -- did each of the people you mentioned work there over a period of time? I mean, they weren't there for a day or two.
A. Correct.
Q. How long did -- let's take the longest one. How long did the longest one work there, the one who worked there the longest? 9702

A. Probably Curtis Gordon. He's still employed with us.
Q. About how many years has he been there?
A. Eight, ten years. I'm not exactly sure.
Q. Okay. Now, in addition to police officers, did you also have people who worked at the ranch who were fire -- fire personnel from fire departments?
A. Yes.
Q. And can you give us an idea of roughly how many over the period of time you worked there?
A. At least 20.
Q. Okay. Can you give us the names and affiliations, if you can remember some of them?
A. Currently we have two officers that work at Taft City Fire. One that works at Grover Beach. One that's full time at Lompoc Fire Department. And there was many more that have left the property over the years and moved on to bigger and better things.
Q. All right. So when you say "bigger and better things," you didn't really mean that with Mr. Jackson sitting here, did you?
A. No.
Q. Okay. But as far as law enforcement or fire careers, sometimes this is a jumping-off point; is that right?
A. It's a stepping stone for them, yes.
Q. And sometimes this is a retirement job?
A. Exactly. 9703

Q. All right. Now, with regard to the police officers, other than Brian Barron, were there any others who were moonlighting currently, they were police officers who are currently moonlighting? Let me withdraw that phrase, “currently.”
Were there other people other than Brian Barron who, during this period of time, were concurrently working as peace officers actively and moonlighting at the ranch?
A. Not to my knowledge.
Q. The others were retired police officers, correct?
A. Correct.
Q. And with regard to the fire department people, apparently there were a number of people concurrently working for fire departments and working at the ranch, correct?
A. Correct.
Q. Was it your understanding that all of these people understood the need to abide by the law?
A. Correct.
Q. All right. And if they observed anything illegal or improper, was it their duty to report it to the staff, to their supervisors?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes. 9704

Q. BY MR. SANGER: Did you have, as the owner -- as the ranch manager, did you have an expectation that former police officers, former and current firefighters would also report any unlawful activities to the civilian authorities?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: The people that you have just mentioned, was there any secret made of their backgrounds?
A. No.
Q. Based on your discussions with Mr. Jackson, was Mr. Jackson aware that some or all of these people were either prior or current employees of police or fire departments?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. SANGER: Was there any effort made to keep any of this secret from Mr. Jackson?
MR. AUCHINCLOSS: Same objection.
THE COURT: Sustained.
MR. SANGER: All right.
Q. Now, do you recall the Bashir documentary?
A. Yes.
Q. The Bashir television program?
A. Yes.
Q. Did you see it when it was aired originally in February of 2003? 9705

A. No.
Q. Did you hear about it --
A. Yes.
Q. -- around that time?
Did it create a certain amount of buzz
around the ranch?
A. Yes.
Q. Now, you've been there during this entire
period of time. Are there times when there is more
media attention to Mr. Jackson at the ranch than
other times?
A. Yes.
Q. Do you recall back in '93, was there a lot
of media attention?
A. Yes.
Q. Were there vehicles on Figueroa Mountain
Road by the gate on a regular basis?
A. Yes.
Q. Did that subside after '93 for a while?
A. For a while, yes.
Q. Now, you do tend to have people up at the
gate sort of on a regular basis; is that right?
A. That's correct.
Q. What kind of people tend to congregate up
around the gate?
A. All different types of people, from all
different walks of life.
Q. People from other countries? 9706

A. Other countries, here in this country.
Q. What's their interest in Mr. Jackson, would you tell us that? Are they fans? Are they --
A. Some are fans, some just want to come and see where Neverland is.
Q. All right. Now, in early 2003, did there -- was there an increase in the media attention at the ranch?
A. I don't recall.
Q. Do you recall at some point there were media vans and whatnot coming to the front gate?
A. Yes.
Q. When the Arvizos came to the ranch, was there any particular concern with regard to the Arvizos and the media?
MR. AUCHINCLOSS: Objection. Foundation; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Can you repeat the question?
THE COURT: I'll have it read back.
(Record read.)
THE WITNESS: "Concern," I don't -- I don't really understand the question.
MR. SANGER: Okay.
Q. Were you made aware that the media had attempted to have contact with the Arvizos?
A. Not personally. 9707

MR. AUCHINCLOSS: Objection; leading.
MR. SANGER: Not personally --
MR. AUCHINCLOSS: Objection. Leading; hearsay.
THE COURT: Overruled.
THE WITNESS: Not personally.
Q. BY MR. SANGER: Were you advised that the media was attempting to contact the Arvizos? In general. I'm not talking about at the ranch gate, but just in general.
A. Yes, in general.
Q. What was your understanding of why the media was interested in the Arvizos?
A. Due to the documentary, the Bashir documentary.
Q. Were you aware at some time, and I'm asking now for your state of mind, that there was a discussion regarding the Arvizos taking a trip to Brazil?
A. Yes.
Q. Based on your personal contact with the Arvizos, did the Arvizos ever voice any objection to going to Brazil?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Foundation; sustained.
MR. SANGER: Okay.
Q. Did you have occasion to talk to the Arvizos or be in the Arvizos' presence when the Brazil issue 9708

arose?
A. Yes.
Q. Did the Arvizos at that time voice any objection to going to Brazil?
MR. AUCHINCLOSS: I'll object. Vague as to which Arvizo. Hearsay.
THE COURT: Sustained as to --
MR. SANGER: As to which one?
THE COURT: -- which one.
Q. BY MR. SANGER: Let's take the children. Did you have a discussion with the children, or did they have a discussion, or was this discussed in your presence?
A. There was no objection at that point that I know of.
Q. Okay. What about Janet, did you ever have a discussion or overhear a discussion where Janet was involved in some discussion, to use that word again, about going to Brazil?
A. Only that they needed some assistance in finding a spot to take a passport picture.
Q. Did Janet Arvizo discuss that in your presence?
A. It was in the presence of Vinnie and Janet, yes.
Q. Okay. And did she -- was she objecting to having a passport picture?
A. No.

Q. Was she -- what was she doing? What was she saying?
A. They were asking for instructions on where they could go to get their passport picture taken.
Q. And was Janet asking for those instructions as well?
A. I don't know if she asked personally, but she was standing right next to Vinnie.
Q. And what was her demeanor at that point?
A. They were getting ready to get in the car to head to Santa Maria to get a picture taken.
Q. All right. All right. And then one last area here, for now.
Are you familiar with the kinds of fan mail that Mr. Jackson gets?
A. Yes.
Q. And where is the fan mail delivered?
A. Some is delivered to the property.
Q. Okay. I'm sorry. Of the fan mail delivered -- I take it you haven't seen his fan mail that goes elsewhere; is that right?
A. Exactly.
Q. So the fan mail that's delivered to Neverland Ranch is what I'm talking about --
A. Yes.
Q. -- where is that ultimately delivered?
A. It's delivered to the Los Olivos post office and then delivered to the property. 9710

Q. When it gets to the property, where does it go?
A. Sometimes it goes to Los Angeles, and sometimes some of the nicer stuff we might keep at the property.
Q. All right. Now, when you say “nicer stuff” -- before we get to the distinction, what volume of fan mail comes to the Los Olivos ranch?
A. Three boxes probably every other week.
Q. All right. And sometimes you’ll get big packages; is that right?
A. Correct.
Q. Sometimes people will send artwork?
A. Artwork. Books. Clothing. Ties. Coffee mugs. Gifts. Just lots -- lots of gifts.
Q. How about letters?
A. Letters. Lots of letters.
Q. Cards?
A. Cards, yes.
Q. Whose job is it to go through and screen that, if anybody?
A. We don’t really have somebody doing that at this point.
Q. In the past have you had somebody screen it or does it just all go to Mr. Jackson, and say, “Here. Read your mail”?
A. No.
Q. Does it end up sometimes in the 9711

1 administration building?
2 A. Yes.
3 Q. All right. And from there, you said
4 something about “the nicer stuff.” So going back to
5 that answer, how do you make the decision as to what
6 ought to go to Mr. Jackson himself to look at?
7 A. Memorabilia. Just some of the nicer --
8 nicer items that I think that he might be interested
9 in seeing what the fans have sent for him.
10 Q. Okay. And you mentioned there might be
11 paintings?
12 A. Yes.
13 Q. Books?
14 A. Yes.
15 Q. When you deliver this to Mr. Jackson, does
16 he tend to keep it or throw it away, or what does he
17 do with the stuff?
18 A. You would have to ask Mr. Jackson.
19 Q. Okay. Well, looking at his house -- you’ve
20 been inside his house and his room; is that correct?
21 A. Yes.
22 Q. And you’re here under oath and we’re not
23 here to, you know, either please or insult Mr.
24 Jackson one way or the other. Just tell it the way
25 it is. Does Mr. Jackson tend to keep a lot of stuff
26 all over the place?
27 A. Lots of stuff.
28 MR. AUCHINCLOSS: Objection; leading. 9712

THE COURT: Sustained.
Q. BY MR. SANGER: Does Mr. Jackson, based on your observation of his premises, does he tend to keep stuff that's sent to him by fans or throw it all away?
A. I believe he keeps everything.
MR. SANGER: All right. I have no further questions at this time.
THE WITNESS: Do you want this back?
MR. AUCHINCLOSS: Do you have the logbook up there, Mr. Marcus?
If I may approach to retrieve that, Your Honor.
THE COURT: You may.
MR. AUCHINCLOSS: Thank you.

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. All right. Good morning, Mr. Marcus.
A. Good morning.
Q. You have worked at Neverland since 1988 --
A. That's correct.
Q. -- correct?
You've worked there the entire time that Mr. Jackson has owned that property, true?
A. Correct.
Q. Is there anybody at Neverland Ranch who has worked there as long as you have? 9713

A. Yes.
Q. Okay. Who would that be?
A. There's multiple employees that have been there longer.
Q. All right. And you began in the maintenance department?
A. Correct.
Q. You've been the property manager three years?
A. That's correct.
Q. You have been a security officer at Neverland Ranch?
A. That's correct.
Q. Tell me what period of time that was.
A. I believe it was from '92, '93, through '96, possibly.
Q. Okay.
A. Maybe a little bit -- I might be off on the dates.
Q. When you were a security officer there, were you armed?
A. Yes.
Q. And at present, as a property manager, you supervise everybody at Neverland; is that correct?
A. Correct.
Q. And you supervise the supervisors, true?
A. Yes.
Q. How often do you interact with your boss, 9714

Mr. Jackson, when he's on the property, let's say?
A. Daily.
Q. Daily? And would you meet with him more than once a day?
A. No. Might speak with him.
Q. Okay. Do you ever have meetings with Mr. Jackson?
A. Once in a while, yes.
Q. Does he ever sit down with you and tell you that he wants something changed at Neverland?
A. Yes.
Q. And if he wants something changed at Neverland, does he typically talk to you or will he talk to other employees, more of a direct route?
A. Sometimes he'll use the direct route.
Q. Okay. So there's not always a chain of command at Neverland, is that fair to say, in terms of Mr. Jackson's interaction with his employees?
A. No, he'll sometimes go directly to the source if something needs to be done at that point. Or if I'm not available.
Q. And I believe your testimony is nobody outranks you at Neverland, true?
A. I didn't say that.
Q. I mean other than Mr. Jackson. Is there anybody above you at Neverland, other than your boss, Mr. Jackson?
A. No.

Q. Okay. So you answer only to Mr. Jackson in terms of your job at Neverland Ranch?
A. Yes.
Q. And would it be fair to say that your job is to make sure Mr. Jackson is happy?
A. “Happy”?
Q. Pleased. Pleased with everything at Neverland. Isn’t that your job?
MR. SANGER: I’m going to object. That’s argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: That’s fair to say.
Q. BY MR. AUCHINCLOSS: Okay. In fact, that’s everybody’s job at Neverland, is to make sure Mr. Jackson -- everything that’s done at Neverland is exactly the way Mr. Jackson wants it, true?
A. It’s mainly for him and his guests, correct.
Q. Yes. But he’s the one who decides what guests will be on the property?
MR. SANGER: Objection. That’s argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: And he decides what people will not be allowed on that property, true?
A. Correct. 9716

Q. Doesn’t he sometimes make specific
directives to the security staff, “Do not let this
person on the property”?
A. Yes.
Q. And when he allows a guest on the property,
sometimes he will take privileges away from those
guests, true?
A. Yes.
Q. And he personally gets involved in deciding
what privileges individual guests will enjoy at
Neverland?
MR. SANGER: I’m going to object. That’s
vague as to time and subject matter.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You can answer.
A. Repeat the question.
Q. My question was that he gets personally
involved in deciding what privileges individuals
will have at Neverland.
A. I don’t know that to be true, but --
Q. Didn’t we just look at a log that said that
Mr. Jackson allows the Arvizos and Chris Tucker, et
cetera, to enjoy all the privileges at Neverland?
A. Yes.
Q. So he does at times get personally involved
in deciding whether they get to go horseback riding
or not, true?
A. Correct. 9717

Q. Would it be fair to say that you probably know more about Neverland Ranch than anybody who works there, being the manager that you are and having your experience?
A. Yes.
Q. All right. Now, you know about the telephone system there, right?
A. Correct.
Q. And you know that it requires a three-button code to get out, to get an outside line, right?
A. Correct.
Q. And if you don't know that three-button code, you can't get an outside line, can you?
A. That's not correct.
Q. Okay. Explain that to me. Why can't -- how can you get out -- let's say you're at a phone, and you previously testified that it requires a three-button code to get an outside line, true?
A. Not all phones require a three-button, but some phones do.
Q. Tell me which phones require the three-button code.
A. Mainly the outbuildings, the theater, the zoo area, the employees' areas. A few of the phones in the main house, but not all of them. Some of the phones are direct dial where you would pick them up. And it's any code. There's no set code. It's any three digits. It could be 000. It could be 245. 9718

It’s not a set code.
Q. But if you don’t know there’s a code, you can’t get out, true?
MR. SANGER: Objection; vague.
THE COURT: Overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: If you just pick up the phone and dial a number, you won’t get out?
A. That is correct.
MR. SANGER: Objection. Vague as to which phones.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: All right. Tell me specifically which phones in the house do not require a three-button code, specifically in the main house.
A. In the living room of the main house, as well as -- I believe that -- the library also. I think those are the only two that are direct dial.
Q. Do you know if the library requires a three-button code, or not?
A. I do not recall at the moment. I believe it’s just the living room.
Q. What about Mr. Jackson’s personal phone in his room?
A. I honestly don’t recall if it is -- I believe it’s direct dial.
Q. Are you aware that he has a private line in 9719

his bathroom?
A. Yes.
Q. And the guest cottages. You neglected to mention the guest cottages. They require a three-button code out, don't they?
MR. SANGER: Objection. That's argumentative.
MR. AUCHINCLOSS: I'll rephrase.
Q. Did you neglect to mention the guesthouses when you were telling us about phones that require a three-button code to get out?
MR. SANGER: Objection; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: I actually didn't go through the whole list of phones. There's multiple areas with phones, as well as the train depot, the theater, the guest units.
MR. AUCHINCLOSS: I move to strike the answer as nonresponsive.
THE COURT: Sustained. But I think what he's saying is that he wasn't allowed to finish the question where he was giving the list. And I think that's correct.
MR. AUCHINCLOSS: All right.
Q. So you would include the guest cottages as being among the phones that require a three-button code to get out, true? Yes? 9720

MR. SANGER: I'm going to object. That's confusing the way it's phrased. It's vague and ambiguous.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe it's direct dial.
But I could be wrong at this moment. But I believe it's pick up and go.
Q. BY MR. AUCHINCLOSS: You believe so?
A. I believe so.
Q. A moment ago did you say that the guesthouses were included in three-button dial-out code?
MR. SANGER: Objection, misstates the evidence and argumentative.
THE COURT: I think I'll allow the question.
I think the District Attorney is inquiring if he said that.
Go ahead.
THE WITNESS: I believe that they are direct dial.
Q. BY MR. AUCHINCLOSS: They do not require a three-button code to get out, the guest cottages; is that your testimony?
A. At this moment I don't recall.
Q. All right. Now, you testified that Mr. Jackson made a number of improvements to Neverland. He added the amusement park while you were there? 9721

A. Yes.
Q. The water fort? Yes?
A. Yes.
Q. Teepees, the trains? Yes?
A. Correct.
Q. Video arcade?
A. Yes. Actually, the video arcade was already there.
Q. But he put in the video games?
A. There were some video games there before, when he first purchased the property.
Q. But basically the improvements that Mr. Jackson added were all attractions for children, is that correct, in general?
MR. SANGER: Objection. As phrased, it's compound. All, or in general?
THE COURT: Sustained.
MR. AUCHINCLOSS: All right. I'll strike "all" in that question.
Q. In general --
A. Yes.
Q. -- these improvements are for children, designed to attract -- attractions for children, correct?
A. Correct.
Q. And you've seen children when they arrive at Neverland?
A. Correct. 9722

Q. They go crazy when they see all this, don't they?
A. Yes.
Q. I mean, they love it?
A. Yes.
Q. Never seen anything like it, have they?
A. Some children have not.
Q. And there's quads. Tell us what a quad is.
A. It's a four-wheel, all-terrain vehicle.
Q. How fast will it go?
A. One or two of them will go in the excess of 70 miles an hour.
Q. They can be pretty dangerous, can't they?
A. Yes.
Q. So generally, would it be fair to say that quads are not allowed to be sent out with young boys without any supervision? I mean, would you put an 11-year-old boy on a quad and say, "Go have a great time," that goes 70 miles an hour?
A. I didn't say all of them go 70 miles an hour. I said two of them do.
Q. Let's back up. How fast do the slower quads go?
A. We're talking about a 50cc motor. They're very small. Not very fast. Maybe 25, 30 miles an hour, tops.
Q. All right. And they can be dangerous?
A. Yes. 9723

Q. An 11-year-old boy could get hurt on such a vehicle, couldn't he?
A. Yes.
Q. And generally, you would not, for safety reasons, send an 11-year-old boy out to ride one of these quads even if they just go 30 miles an hour without supervision, true?
A. Yes.
Q. Or a 13-year-old, without any adult supervision, wouldn't be allowed to ride the quads, right?
A. No, that's not true.
Q. Same thing with the jet skis. They can be dangerous, can't they?
A. Yes.
Q. A child could drown using jet skis?
A. Yes.
Q. And typically you require some supervision to send a kid out on the water with the jet skis, true?
A. Yes.
Q. You mentioned a zoo. And I think you talked a little bit about the animals. You mentioned that they're all well cared for.
A. Yes.
Q. Have you ever seen Mr. Jackson throw stones at the lion?
A. No. 9724

Q. Tell me about the lion cage. What's it look like?
A. It's a cage with a few toys in it for the lions. Some logs. I mean, what exactly do you want?
Q. What separates the lion from the people who are looking at the lion?
A. Wires.
Q. Okay. What do they look like?
A. Did you want me to draw you a picture?
Q. No, I'm just curious. If you can describe it.
A. Like a cage. Like --
Q. Is it like a bar? Bar or chicken wire, or what?
A. No, it's not chicken wire. It's -- it's eighth-inch, I believe, wire that you would see at a normal zoo to --
Q. Okay. Is it wire or bars?
A. It's wire.
Q. Okay. And how is the wire configured, in terms of is it configured in squares, in diamonds, in rectangles?
A. Squares.
Q. How big are the squares?
A. I don't know.
Q. Can you estimate?
A. I believe you probably couldn't get two 9725

fingers through --
Q. All right.
A. -- the cage.
Q. All right. Now, have you ever seen any of the other animals abused in any way?
A. I've never seen any of the animals abused.
MR. SANGER: I'll withdraw my -- the beginning of my objection.
Q. BY MR. AUCHINCLOSS: All right. So when children come to Neverland, within the bounds of safety, they get to do whatever they want; isn't that fair to say?
A. That is fair to say.
Q. They're treated like royalty almost?
A. Yes.
Q. And kids being kids, getting into mischief is kind of part of the program, isn't it?
MR. SANGER: Objection. Vague; calls for speculation.
THE COURT: Overruled.
You may answer. Do you understand the question?
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: Would you agree with that statement?
THE COURT: Let him answer it.
MR. AUCHINCLOSS: I'm sorry.
THE WITNESS: Yes. 9726

Q. BY MR. AUCHINCLOSS: And in your assessment of the Arvizo children, you described them as, quote, “a little destructive”?
A. That’s correct.
Q. Okay. And you’ve seen other children there be a little destructive as well?
A. Yes.
Q. It’s common, isn’t it?
A. I don’t know if it’s common, but it does happen.
Q. Now, during your 17 years at Neverland, you had a firsthand opportunity to see a number of young boys visit Neverland; is that true?
A. Yes.
Q. Okay. Have you had a chance to see a number of these young boys who spent a lot of time with Mr. Jackson?
A. Repeat the question, please.
Q. Have you had an opportunity to see a number of these young boys that you just mentioned spend a considerable amount of time with Mr. Jackson?
A. Yes.
Q. Mr. Jackson tends to form special bonds with these -- some of these young boys, true?
MR. SANGER: I’m going to object. Lack of foundation.
THE COURT: Overruled.
You may answer. 9727

THE WITNESS: Not just boys, but yes, I have seen him have bonds with children.
Q. BY MR. AUCHINCLOSS: Okay. And one of the young boys that Mr. Jackson had a special bond with was Frank Cascio. While you were there, did you see that?
A. Yes.
Q. And Frank is now an adult. He's about -- you said, I think, he's in his twenties now?
A. I believe so.
Q. And when you were there in 2003, working, you mentioned -- I believe you mentioned that Frank was there during that time?
A. I believe he was.
Q. Okay. And in fact, he stayed there for several months in early 2003, didn't he?
A. I don't know if he was there several months. He was in and out, yes.
Q. But he was on the ranch for over a month?
A. That's probably fair to say.
Q. And he was working for Mr. Jackson at that time, doing something for him, wasn't he?
MR. SANGER: Objection. Compound; vague; and no foundation.
THE COURT: Sustained on compound.
Q. BY MR. AUCHINCLOSS: He was working for Mr. Jackson at that time, wasn't he?
A. I have no knowledge of that. 9728

Q. Well, he had an office at Neverland, didn't he?
A. He had a space, yes.
Q. He had a desk?
A. I believe he did have a desk.
Q. He was working at that desk?
A. I don't honestly know what he was doing.
Q. And this was at the same time that the Arvizos were there, true?
A. True.
Q. And what he was doing had something to do with the Arvizos, didn't it?
MR. SANGER: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Not to my knowledge.
Q. BY MR. AUCHINCLOSS: Well, he had a friend named Vinnie there, didn't he?
A. I believe so.
Q. Do you know what Vinnie's last name is?
A. No.
Q. And Vinnie stayed there for about the same amount of time during that period as Frank did, true? Over a month.
A. Not to my recollection.
Q. Okay. What is your recollection about Vinnie, as far as the amount of time he spent at Neverland? 9729

A. I recall him coming and going a lot.
Q. And when Vinnie would come and go, he would come and go with the Arvizos, wouldn't he?
A. Sometimes. Not always.
Q. But often?
A. Not always.
Q. And you saw Frank with the Arvizos at times, didn't you?
A. Yes.
Q. You mentioned a time when Vinnie was standing there and you witnessed a conversation with Janet, something to do about getting pictures --
A. That's correct.
Q. -- for the passports? And it was Vinnie that wanted to -- was concerned about getting these pictures for passports, wasn't it?
A. Vinnie and Janet were standing there asking me for directions to a spot that they could get a picture taken.
Q. Do you know a man named Marc Schaffel?
A. I've met him.
Q. Who is Marc Schaffel?
A. He was a guest on the property.
Q. A guest of Mr. Jackson's?
A. Yes.
MR. SANGER: I'm going to object. This is beyond the scope of direct. 9730

THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Have you seen Mr. Jackson form a special bond or special friendship with Aldo Cascio?
MR. SANGER: Beyond the scope of direct.
MR. AUCHINCLOSS: He's asked him about his -- any improprieties.
MR. SANGER: Object to a speaking response.
THE COURT: I've looked to him to speak. I'll overrule the objection. Go ahead.
Q. BY MR. AUCHINCLOSS: Did you see Mr. Jackson, observe it, form a special bond with Aldo Cascio?
A. They were friends, yes.
Q. What about Brett Barnes?
A. Yes.
Q. Jason Francia, did you ever see him spend time with Jason Francia?
A. No.
Q. What about Wade Robson?
A. Yes.
Q. Jordie Chandler?
A. Yes.
Q. Macaulay Culkin?
A. Yes.
Q. Gavin Arvizo?
A. Yes.
Q. Did you mention a Shane Brando? 9731

A. I didn't mention him.
Q. What about Shane Brando?
A. Yes.
Q. Little Michael?
MR. SANGER: Objection, Your Honor. Beyond the scope of direct and the Court's ruling.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Little Michael?
A. Do you have a full name?
Q. Omar Bhatti?
A. Yes.
MR. SANGER: Renew my objection. Motion to strike.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Mr. Jackson is very security conscious, isn't he?
A. Yes.
Q. Are calls monitored at Neverland?
A. No.
Q. Doesn't Mr. Jackson have a phone in his private quarters where he can monitor phone calls?
A. Yes.
Q. So you don't really know if Mr. Jackson monitors phone calls?
A. No.
Q. Mr. Marcus, doesn't it say in the policy and procedures manual for Neverland Valley Ranch that employees acknowledge that their calls from 9732

Neverland Ranch can be monitored?
A. Yes.
Q. And your testimony is that those calls are not monitored?
A. Well, there's only two phones that you can actually monitor from. One is in my office. And one is at the house. And I don't monitor them. And to my knowledge, he doesn't monitor them.
Q. But you don't know whether Mr. Jackson monitors phone calls, do you?
A. No.
Q. And didn't that policy go into effect when Violet Silva complained to you about Mr. Jackson listening to her phone calls?
MR. SANGER: Objection; calls for hearsay.
MR. AUCHINCLOSS: Offered as impeachment.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did anybody at Neverland Ranch complain to you that their calls were being monitored by Mr. Jackson?
MR. SANGER: Objection; calls for hearsay.
THE COURT: You may answer.
THE WITNESS: Nobody told me specifically that Mr. Jackson had been monitoring a call. But it was brought to my attention that somebody had picked up on a line and listened in on a phone call. But it was never said that it was Michael Jackson.
Q. BY MR. AUCHINCLOSS: Well, his is the only 9733

1 phone that can do that other than yours, right?
2 MR. SANGER: Objection; argumentative.
3 MR. AUCHINCLOSS: I'll strike that.
4 THE COURT: Sustained.
5 Q. BY MR. AUCHINCLOSS: All right. So no
6 unauthorized people are allowed on the ranch.
7 You've said that, true?
8 A. That's correct.
9 Q. And in order to drive into Neverland Valley
10 Ranch, someone has to open the gate, right?
11 A. That's correct.
12 Q. And in order to drive out of Neverland
13 Ranch, a security guard has to manually push
14 something that opens a gate, true?
15 A. That is true.
16 Q. And the policy at Neverland is not to let
17 golf carts off the property, correct?
18 A. That is correct.
19 Q. Same thing for quads, true?
20 A. There was a gray area, because security will
21 sometimes use a quad to go outside the front gate.
22 Q. Okay.
23 A. But normally --
24 Q. Guests are not allowed to take quads out?
25 A. That is correct.
26 THE COURT: All right. Let's take our break.
27 (Recess taken.)
28 --o0o-- 9734

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9682 through 9734 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 10, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 10, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF.)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MAY 10, 2005

8:30 A.M.

(PAGES 9736 THROUGH 9803)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 9736

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MARCUS, Joseph	9763-SA	9797-A		

THE COURT: Go ahead, Counsel.
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. All right. Where we left off, I believe you were telling us that the quads are generally --
THE BAILIFF: Turn your microphone on, please.
Q. BY MR. AUCHINCLOSS: The quads were generally not allowed off the property when guests were driving them; is that correct?
A. True.
Q. Now, you have been -- when you were a security guard for Mr. Jackson, do you know if he considered you one of his best security guards?
MR. SANGER: I would object. That calls for speculation, without foundation.
THE COURT: The answer is obvious. All right. Sustained.
Q. BY MR. AUCHINCLOSS: Did Mr. Jackson place any special trust in you when you were a security guard?
A. Yes.
Q. And one of the things that he did that involved trust was that while he was on tour in ‘93, he had you personally patrol the hallway to his bedroom to make sure no one entered it; isn’t that true?
A. I don’t recall that.
Q. You don’t remember that? 9739

A. Personally patrol inside --
Q. Inside the main house to make sure no one went in his bedroom when he was not there.
A. I don't recall that.
Q. When the '93 case was under investigation, additional security was brought in to Neverland Ranch. Are you aware of that?
A. Yes.
Q. And they were known as "the OSS"; is that correct?
A. Yes.
Q. Were you the last security guard of the previous staff of security, not including the OSS, that turned his firearm over to -- or actually stopped being armed?
MR. SANGER: I'm going to object to that question as unintelligible.
THE COURT: Sustained.
MR. AUCHINCLOSS: I can rephrase it.
Q. Were you the last armed security guard on Mr. Jackson's normal staff of security?
A. I don't know if I was the last. I don't know.
Q. Well, didn't you refuse to turn your gun over at one time when you were asked to turn it over to the head of security?
MR. SANGER: That's argumentative the way it's phrased. 9740

MR. AUCHINCLOSS: It's offered as impeachment.
THE COURT: Overruled.
You may answer.
THE WITNESS: Do you know who the head of security was?
Q. BY MR. AUCHINCLOSS: Zimmerman. I believe he was your father.
A. I don't recall.
Q. All right. Do you consider yourself a loyal employee of Mr. Jackson?
A. Yes.
Q. And you previously testified that he's the person who gives you your instructions for your job at Neverland?
A. Yes.
Q. Do you take any orders from Dieter Weizner?
MR. SANGER: I'm going to object to the term "orders" as vague.
MR. AUCHINCLOSS: I'll rephrase that. That's fair.
Q. In terms of your duties as the ranch manager of Neverland Ranch, do you take orders from Dieter Weizner?
A. I would take requests from Dieter Weizner and address them as needed.
Q. And those requests would be the normal requests of a guest, true? 9741

A. True.
Q. But as far as policies and procedures at Neverland Ranch, Dieter Weizner doesn't tell you what to do, true?
A. True.
Q. And neither does Marc Schaffel?
A. True.
Q. Neither does Frank Cascio?
A. True.
Q. Or Vinnie Amen?
A. True.
Q. Or Hamid Moslehi?
A. True.
Q. Ronald Konitzer?
A. True.
Q. That's because Mr. Jackson is the only person who can tell you how to handle policies and procedures at Neverland Ranch, correct?
A. Correct.
Q. Have you reviewed any documents in this case in your preparation for your testimony?
A. Yes.
Q. Which documents?
A. My -- the document the investigator let me see before.
Q. I'm sorry?
A. It was a document of what I was to testify to. 9742

Q. You were given a document regarding what you were to testify to?
A. No, what I had testified -- what I had stated in an interview with the investigator.
Q. An investigator who was working for Mr. Jackson?
A. Yes.
Q. How many documents did you review?
A. It was just my statement. I think it was a page and a half.
Q. Just one statement?
A. Yes.
Q. How many times have you been interviewed in this case by Mr. Jackson's investigators?
A. That was it.
Q. Just one time?
A. Yes.
Q. And was that in November of -- I'm sorry. Was that in the early part of 2004?
A. No.
Q. Who was the investigator that interviewed you?
A. Jesus Castillo.
Q. Was he the only investigator that has interviewed you in relation to this case?
A. I believe so.
Q. Haven't you been interviewed by Eric Mason?
A. No. 9743

Q. You've never been interviewed in regards to this case by Eric Mason?
A. I've spoken with Eric Mason, but I have not officially been interviewed by him.
Q. Didn't you testify on August 20th, 2004, at a hearing in this case that you were interviewed by Eric Mason?
A. I believe it was off the record, and I was not actually interviewed.
Q. I see. So Eric Mason -- do you know who he is?
A. Yes.
Q. He's a private investigator who works for Mr. Jackson?
A. That's correct.
Q. He had a private interview with you that was, quote, "off the record"?
A. Yes.
Q. Is that what he said?
A. That was my understanding of it, yes.
Q. Did Mr. Mason say that, "This interview is off the record"?
A. I don't recall.
Q. But that was your understanding?
A. I didn't actually physically sit down with Eric Mason.
Q. And he didn't take any notes at that meeting, did he? 9744

A. I don't believe so.
Q. And he didn't record it, did he?
A. I don't believe so.
Q. And no one else was present, were they?
A. No.
Q. And you knew at the time Mr. Mason was working for Mr. Jackson, correct?
A. Yes.
Q. Are you aware of the charges against your employer?
A. Yes.
Q. And you were present when a search warrant was executed at Neverland Ranch on November 18th, 2003?
A. Yes.
Q. And you were interviewed by law enforcement in this case?
A. Yes.
Q. Did you tell the truth in that interview?
A. Yes.
Q. You were completely honest with the interviewer?
MR. SANGER: Objection. Argumentative and asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You were aware at the time that this interview was tape-recorded?
A. Yes. 9745

1 Q. Did you tell the interviewer that Mr.
2 Jackson had no security for his room except for a
3 key?
4 A. I don't recall.
5 Q. Did you tell the interviewer that alcohol
6 has been served only two times in the history of
7 Neverland at events there?
8 A. That's correct.
9 Q. Is that true?
10 A. I believe that to be true.
11 Q. It's only been served two times in the
12 history of Neverland?
13 A. At events.
14 MR. SANGER: Objection.
15 THE WITNESS: I believe "events" was the key
16 word.
17 MR. SANGER: I'll withdraw it.
18 Q. BY MR. AUCHINCLOSS: What qualifies as an
19 "event"?
20 A. More than five people, ten people.
21 Q. Okay. So a dinner party; never been served
22 at a dinner party?
23 A. No, I didn't say that. I said "event."
24 Q. More than five people?
25 A. A scheduled event.
26 Q. Okay. A dinner party with more than five
27 people?
28 A. Yes, alcohol would be served at dinner if 9746

somebody wanted some wine, that is correct.
Q. Okay.
A. The children's parties? No. Those are --
Q. I'm not asking about children's parties.
A. Okay.
MR. SANGER: Objection. Argumentative. The witness was answering the question.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: And do you -- let me strike that.
Do you have any knowledge of Mr. Jackson drinking alcohol himself?
A. Yes.
Q. You've seen him drink alcohol?
A. No.
Q. You have never seen Michael Jackson drink alcohol?
A. Personally, no.
Q. You said that when you met -- that you knew of the Arvizo family at that interview, correct?
A. That is correct.
Q. But you said -- when questioned about the family, you said, "Honestly, I only met the wife or the mother." Was that a true statement?
MR. SANGER: Objection.
MR. AUCHINCLOSS: I'll back up. I'll back up. I should have asked a predicate.
Q. Did you say that you had only met the wife 9747

or the mother of the Arvizo family?
A. I believe that to be true; that I had not met the father.
Q. Well, you understood the question “family” included the entire family, didn’t you?
MR. SANGER: Objection. Argumentative and calls for hearsay.
THE COURT: Overruled.
You may answer. Do you want the question read?
THE WITNESS: Yes.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: And was it true when you said, “Honestly, I only met the wife or the mother”? Is that a true statement?
A. With regard to the father, that is true. I have not met the father.
Q. But you understood the question included the entire family, correct?
A. We can go back and forth here. I’m telling you what I recall.
Q. Well, do you recall that the question was, “What does” -- “Who’s included in that family? How many kids, parents, names, et cetera?” Do you recall that being the question when you said, “Honestly, I only met the wife or the mother”?
MR. SANGER: I’m going to object. This is 9748

hearsay and it's improper impeachment.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Do you recall that being the question when you gave that answer?
A. I don't recall that to be the question or the exact question.
Q. Did the kids ever stay at Neverland without their mother?
A. Yes.
Q. Did you know that to be true when you gave this interview?
A. Yes.
Q. In the interview, didn't you specifically state, "The kids never stayed there without their mother"?
A. I don't recall.
Q. Mr. Marcus, when you gave this interview, weren't you trying to distance yourself from the facts of this case and protect your employer, Michael Jackson?
MR. SANGER: Objection. Argumentative and compound.
THE COURT: I'll sustain the objection as argumentative.
Q. BY MR. AUCHINCLOSS: You mentioned that you took this family, the mother and the children at least, to the dentist?
A. That's correct. Actually, the orthodontist. 9749

1 Q. Orthodontist. And you took them there
2 because --
3 A. I did not take them there.
4 Q. I'm sorry?
5 A. I met them there.
6 Q. I'm sorry. Did you arrange that meeting
7 with the orthodontist?
8 A. Yes.
9 Q. And you arranged that meeting because the
10 two boys were having -- suffering from pain related
11 to their braces, correct?
12 A. That's part of the story that I heard, yes.
13 Q. Isn't that what you told the interviewer?
14 A. Yes.
15 Q. You didn't tell them anything else other
16 than the fact that the boys were having pain and
17 they needed to go to the orthodontist immediately?
18 A. Correct.
19 Q. And you called the orthodontist, correct?
20 A. Yes.
21 Q. You picked that orthodontist?
22 A. It was recommended to me.
23 Q. Okay. You made an appointment?
24 A. Yes.
25 Q. And you specifically made an appointment
26 after the orthodontist's office would be closed for
27 business, true?
28 A. Correct. 9750

Q. What time did you make that appointment for?
A. 6 or 7 p.m. I don't know exactly what time.
Q. And then Vinnie took them to the orthodontist, true?
A. Vinnie met me at the orthodontist, correct.
Q. But Vinnie was transporting the Arvizo family, true?
A. Yes, he was.
Q. Did you arrange for that?
A. They were on their way back from Santa Maria, so we met there.
Q. Did you arrange for Vinnie to take the Arvizo family to the orthodontist?
A. Did I personally arrange it? No.
Q. You didn't talk to Vinnie?
A. Yes.
Q. So did you arrange with Vinnie to meet you at the orthodontist?
A. Yes.
MR. SANGER: I'm going to object. That's argumentative and that's a different question.
THE COURT: Overruled. The answer was, "Yes." Next question.
Q. BY MR. AUCHINCLOSS: And the Arvizo family, during that meeting, was never outside either your presence or Vinnie's presence, as far as you know, correct?
A. Not correct. 9751

Q. When were they outside your presence or Vinnie -- well, let me break that up. Were they outside your presence?
A. Yes.
Q. When was that?
A. While they were in the operating room or -- I was in the lobby. They were in the back, the back room.
Q. But they were in the same building, correct?
A. Yes.
Q. And you sat there for about an hour and a half?
A. Correct.
Q. Can you tell us why you sat there for an hour and a half reading magazines?
A. It was pouring down rain. They needed a ride back. I didn’t know how long the procedure was going to take.
Q. And why did you meet them there at the same time that the appointment was to begin?
A. I arranged the appointment. And I was going to pay for the appointment.
Q. But the payment would be at the end of the appointment?
A. I didn’t know what the -- I don’t believe we had agreed upon a price at that point, possibly.
Q. Was Neverland Valley Ranch on a skeleton crew at this time, in February of 2003? 9752

A. No.
Q. Do you know who International Business Management is?
A. International Business Management. No.
Q. Did you ever contact anyone complaining that Neverland Valley is on a skeleton crew and that you were concerned about safety in the month of February 2003?
MR. SANGER: Objection; beyond the scope of direct.
THE COURT: Overruled.
You may answer.
THE WITNESS: Who was that International Business Management? What is the name?
Q. BY MR. AUCHINCLOSS: My question is, did you ever complain to anybody that Neverland Valley Ranch was on a skeleton crew during the month of February 2003, and that you were very concerned about safety?
A. I don't recall.
Q. That's possible that you might have done that?
A. It's possible.
MR. SANGER: Calls for speculation.
THE COURT: Overruled. The answer was, "It's possible." Next question.
Q. BY MR. AUCHINCLOSS: So my question was, was Neverland Valley Ranch on a skeleton crew at that time? 9753

A. Apparently it was possible.
Q. Do you have any knowledge of children sleeping in Mr. Jackson's room?
A. Yes.
Q. On the interview that you had with the investigator at the time of the search warrant, you specifically said you had no knowledge of children sleeping in Mr. Jackson's room, didn't you, Mr. Marcus?
A. That's correct.
Q. That was untrue, wasn't it?
A. Yes.
Q. So you weren't honest in that interview, were you, as you just testified?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
MR. AUCHINCLOSS: I'll strike that.
Q. In terms of the question regarding whether or not the Arvizo children were allowed to leave the ranch, you ordered security not to let Gavin and Star and Davellin off of the Neverland Ranch property, didn't you?
A. No, I don't believe that to be true.
Q. You don't believe it to be true?
A. Ordered? You're saying I ordered someone --
Q. Gave a directive to the security staff not to let those children off of the property, correct?
A. I believe -- I believe that we -- yes. 9754

Q. You did do that?
A. Yes.
Q. And that order was placed on a grease board in the security office, wasn't it?
A. I don't know about that, no. The only order I know of is the one that you've -- that we saw today.
Q. Well, you just testified that you ordered security not to let those children off the property. How did you do that?
A. I believe it was in writing on the overhead that we saw earlier.
Q. My question is, how did you do that, Mr. Marcus? How did you make that order? How did you communicate that order to the security staff? That's my question.
A. The phone.
Q. You called who?
A. Probably the officer that was at the gate.
Q. And at least one time you made that order at 5:52 p.m. on February 19th, '03, correct?
MR. SANGER: I'm going object to the question as misstating the evidence, "at least one time."
THE COURT: Overruled.
You may answer.
THE WITNESS: Can you repeat the question?
THE COURT: I'll have it read back. 9755

THE WITNESS: I just don't have the date in front of me, so....
MR. AUCHINCLOSS: That's fine.
(Record read.)
THE WITNESS: If that's what the document says that's in your hand, then that is correct.
MR. AUCHINCLOSS: Could I have the Elmo, please, Your Honor?
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: Mr. Marcus, I'd like to show you that document again. For the record, it's Exhibit 334, Bates number MJ00154.
Okay. Can you read that?
A. Yes.
Q. I'd like you to go down to 1740, the notation that, "Hill house garage is going to be left unlocked per Jesus." Do you see that?
A. Yes.
Q. And then under that, it said, "Hamid is going up there." So does that mean at 5:40 Hamid is going up to the hill house garage?
A. That's what it appears.
Q. And then under that, approximately 12 minutes later, there's the notation, "The kids are not to leave per Joe. 'Kids' meaning like Gavin, Star, et cetera."
A. That's correct.
Q. Is that when you made that directive to 9756

security that the kids are not to leave?
A. Did I call them at 1752? I don't know.
Q. Okay. Would it be the policy of the security guard to make that notation when you made that call?
A. It would be the policy, yes, but it's not always the case.
Q. Okay. But the reason why they have a number next to that, the 1752, that's to connote the time that you made that order?
A. That's correct.
Q. Okay. So 12 minutes after Hamid arrives, you decide that the kids are not to leave the property, true?
A. That is true.
Q. And your testimony is that your reason for that is because you were concerned about the kids at that moment driving off the property driving an automobile? Is that the reason why you made that order?
A. I also stated that there was a documentary going on, and it was undecided where the location was going to be that it was going to take place.
Q. Okay. Who told you about this documentary?
A. Hamid.
Q. Okay. So Hamid arrived and told you that he was going to take the kids off the property?
A. That is correct. 9757

Q. And you told Hamid, “The kids are not allowed to leave the property,” didn’t you?
A. Their mother was not on property and, yes, I did.
Q. Okay. So --
A. I do not believe their mother was on property.
Q. So you were not going to allow those kids off the property, no matter what?
MR. SANGER: Objection. Argumentative and vague.
MR. AUCHINCLOSS: I’ll strike that.
Q. So now you’re adding another reason: It’s the mother wasn’t on the property. Is that the reason why you wouldn’t allow them off the property at that time?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Mr. Marcus, Gavin Arvizo and Star Arvizo never drove a full-sized automobile on the Neverland Valley Ranch property, did they?
A. No, that is not true.
Q. Did you personally observe them driving an automobile on Neverland?
A. No.
Q. Do you know of anybody, by name, who saw Gavin and Star Arvizo driving on the Neverland 9758

Valley property?
A. Yes.
Q. Who?
A. I believe Jesus Salas let me know that they had driven it back from the -- a van, actually, from the theater. And that was obviously a concern.
Q. A van from the dealer?
A. The theater.
Q. Oh, the theater. Okay. And you were concerned that a 13-year-old boy would drive a van or some full-sized vehicle to the gate and that, unless you told the security guards not to let him out, they would just say -- open the gates, “Have a nice drive”? Is that what your concern was?
A. My concern was, it is not uncommon for a vehicle, if it’s one of the primary vehicles that have tinted windows, if somebody were to pull up, some guards would just automatically open the gates. So, yes, I would want them to know who was in the vehicle.
Q. Isn’t it a fact that they don’t let any of the ranch vehicles out unless they know who’s driving them?
A. That is not true.
Q. Aren’t there notations in this very log where employees attempted to drive out of Neverland Ranch and they were stopped and detained because they didn’t have authorization? 9759

A. They attempt. But it's not always the case.
I've driven off property many times with --
Q. Well, 13-year-olds are not allowed to drive
on Neverland property, right?
A. They do.
Q. But, I mean, the security guards know this,
true?
A. The security guards try to limit them.
Q. When Jesus told you about Gavin driving the
van on Neverland property, Jesus told you that Jesus
was in the van with Gavin at the time, didn't he?
Isn't that true?
A. No, that's not true. I don't recall that to
be the case.
Q. Is there any notation anywhere in the
Neverland documents, security records, logs,
anywhere that indicates Gavin or Star Arvizo drove a
Neverland vehicle?
A. I believe you have the documents, so I don't
know that to be true or not.
Q. I'm asking you what you know.
A. I don't know.
MR. SANGER: Objection; argumentative.
THE COURT: Overruled. Next question.
Q. BY MR. AUCHINCLOSS: And after this driving
incident, you continued to keep the keys to these
vehicles in the vehicles themselves; is that
correct? 9760

A. Yes.
Q. Why?
A. Convenience.
Q. Convenience was more important than safety?
MR. SANGER: Objection; argumentative.
MR. AUCHINCLOSS: It's a fair question.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You said that you've never seen anything inappropriate at Neverland, is that correct, involving children?
A. Inappropriate, yes.
Q. Now, you have full access to the entire property, correct?
A. Yes.
Q. You have access to Mr. Jackson's room?
A. With permission, yes.
Q. Yes. You have access to his office?
A. With permission, yes.
Q. You've been in his office?
A. Yes.
Q. Children are in his office?
A. That's correct.
Q. Children are in his room?
A. Correct.
Q. You've seen pornography -- or, excuse me, you've seen adult erotic materials at Neverland Ranch, correct?
A. Yes. 9761

Q. And have you seen adult erotic materials in Mr. Jackson's room?
A. No.
Q. Have you seen adult erotic materials in areas where Mr. Jackson allows children to be?
A. No.
Q. Do you know if Mr. Jackson possesses adult erotic materials?
MR. SANGER: Lack of foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: You know that he does possess adult erotic materials?
A. Oh, no. I don't know that he does.
Q. You have no knowledge of that?
A. Have I gone out and bought them for him? No. Do I know that he owns them? I haven't seen them with him, no.
Q. Well, you've been in his office numerous times, true?
A. Yes.
Q. I'm showing you Exhibit 779. Do you consider these adult erotic materials, Mr. Marcus? Yes? Do you?
A. No. I mean, yes, they are. They're artwork, but --
Q. You keep looking at Mr. Jackson. Why is 9762

1 that?
2 MR. SANGER: Objection; argumentative.
3 THE COURT: Sustained.
4 Q. BY MR. AUCHINCLOSS: Okay. So you admit
5 that these are adult erotic materials?
6 MR. SANGER: Asked and answered.
7 THE COURT: Sustained.
8 Q. BY MR. AUCHINCLOSS: And you have seen these
9 before, haven't you?
10 A. Yes.
11 Q. And they are on Mr. Jackson's desk in his
12 office?
13 A. That is correct.
14 Q. And they are there when children are allowed
15 to come into his office?
16 A. That is correct.
17 MR. AUCHINCLOSS: All right. Thank you. I
18 have no further questions.
19 MR. SANGER: I think you've left some things
20 up here, and I'll let you --
21 MR. AUCHINCLOSS: I'm sorry.
22 MR. SANGER: May I proceed, Your Honor?
23 THE COURT: Yes.
24 MR. SANGER: Thank you.
25
26 REDIRECT EXAMINATION
27 BY MR. SANGER:
28 Q. Okay. Mr. Marcus, the figurines that you 9763

1 just were shown, how big are those figurines; do you
2 know? Do you remember actually seeing them as
3 opposed to seeing the pictures?
4 A. Probably ten -- well, I don't know. 16
5 inches.
6 Q. And where are these figurines located?
7 A. I believe they're on his desk.
8 Q. And what else is on his desk?
9 A. Lots of other stuff.
10 Q. Again, so is his desk messy?
11 A. Yes.
12 Q. All right. Let's go back to a couple things
13 here. First of all, let's talk about interviews for
14 a second. You were interviewed by the Los Angeles
15 Police Department in 1993; is that correct?
16 A. I don't recall that, but if that is --
17 Q. That's right. I think I asked you if you
18 were interviewed by law enforcement. You remembered
19 that, but not which department it was; is that
20 right?
21 A. Yes.
22 Q. Do you remember there being a detective by
23 the name of Rose Ferrufino?
24 A. No.
25 Q. Were you interviewed by a woman detective at
26 that time? Do you remember at all?
27 A. I don't recall.
28 Q. In any event, whatever you did, you 9764

cooperated at that time with the interview; is that right?
A. I believe so.
Q. Okay. Now, you were also interviewed on November the 18th of 2003; is that right?
A. That's correct.
Q. Were you there when the officers arrived at the ranch in the morning?
A. No.
Q. All right. Did somebody call you to come in or did you just come at in your regular time?
A. Yeah, I just arrived a little bit after the --
Q. And you were at that time, November 18th, 2003, the ranch manager, correct?
A. Yes.
Q. Was this something you expected to happen?
A. No.
Q. Okay. Was it -- did it upset the routine that you had planned for that day?
MR. AUCHINCLOSS: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, definitely.
Q. BY MR. SANGER: Can you describe the state of things at the ranch? Just sort of describe what was happening.
A. Well, there was 70 officers going in every 9765

different direction doing what they wanted at that point in time, and it caused me concern because we had about 60 employees on property. And I wanted to -- number one concern was the employees, to make sure that they were obviously taken care of or if they needed anything. I wasn't exactly sure what was really going on at that exact moment.
Q. Okay. And when this group of officers arrived, did they -- did they pretty much all arrive at once?
A. I believe so.
Q. Okay.
A. They arrived before I did.
Q. All right. So by the time you got there, was it pretty overwhelming?
A. Yes.
Q. Now, were there also guests on the property?
A. Yes.
Q. Did you have concern for the guests?
A. Yes.
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled. Next question.
Q. BY MR. SANGER: Did you attempt to respond to requests from the various officers?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. SANGER: Okay. Thinking back to that 9766

day, what sorts of things were you being asked about or asked to do?
A. Open certain buildings that they needed access to.
Q. All right. And did you attempt to accommodate those requests?
A. If I had the key available, yes.
Q. All right. Were you also -- when you said you were dealing with employees, what sorts of things were you doing with some of the employees?
A. I mainly wanted to know that they were -- I wasn't sure if the employees were allowed to leave the property at that point or if they had to stay. And I was trying to figure out if that was an option, if some of the employees could leave. Some of them were uncomfortable with being there for whatever reason. It was just a stressful morning, obviously.
Q. And what did the police officers or the sheriff's officers do, sheriff's and district attorney's investigators? What did they do with regard to the employees?
MR. AUCHINCLOSS: Objection. Vague; relevance.
THE COURT: Sustained.
MR. SANGER: Which ground?
THE COURT: Relevance.
MR. SANGER: May I, Your Honor -- 9767

THE COURT: All right.
MR. SANGER: -- in just one word explain?
Has to do with his interview.
THE COURT: All right. I'll allow the
question.
MR. SANGER: Thank you.
Q. What did they do with the employees in
general?
A. They would interview them or speak with
them, get their information. Some were in different
areas, so there was different officers with
different employees.
Q. Okay. And did you make arrangements to send
some of the people back to work?
A. Yeah. I thought that if they wanted to
stay, then, yes.
Q. And did you try to comply with all the
officers' requests with regards to interviews?
A. Yes.
Q. Did you personally submit to an interview
yourself?
A. Yes.
Q. And you were aware it was tape-recorded; is
that correct?
A. Yes.
Q. And when you were being interviewed, was
that after everybody else left and it was all calm,
or how were things going at the time? 9768

A. No, it was about eleven o'clock, I believe,
and --
Q. 11 a.m.?
A. Yeah, 11 a.m., so it was only two hours into
it. They were there until ten o'clock, I believe,
p.m.
Q. Was it calm or chaotic, or what was going on
around that time?
A. Yeah, it was still -- it was chaotic. The
whole day was obviously chaotic.
Q. And did you have a radio?
A. Yes.
Q. Is that something you carry around in the
normal course of your duties at the ranch?
A. Yes.
Q. Why did you carry a radio?
A. To communicate with the employees and to be
accessible.
Q. All right. Were people on the radio to you
seeking guidance and expressing concerns during this
period of time?
A. I believe so, yes.
Q. Okay. In fact, while you were being
interviewed, your -- you asked permission to answer
the radio several times; is that correct?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer. 9769

THE WITNESS: That is correct.
Q. BY MR. SANGER: All right. And the officers let you -- did the officers let you answer your radio?
A. Yes.
Q. All right. Now, in the middle of this, when you were giving the interview, did you remember all the names of the Arvizo family as you were sitting there?
A. I was extremely overwhelmed at the moment, and no, I did not.
Q. Did the officers eventually tell you the names of the Arvizo family members?
A. I believe it was on the -- the warrant, I guess, if you will. So, yes.
Q. But you went over -- you went over the Arvizo family members with the -- with the officers; is that correct?
A. Yes.
Q. And they asked you about the father. Do you recall that?
A. Yes.
Q. Do you remember telling them whether or not you had seen the father?
A. I don't believe I've ever met the father. I might have seen him, but I don't know if I've ever met him. If so, it was a long time ago.
Q. Okay. And that's what you told them, right? 9770

A. Yes.
Q. Now, as far as the mother was concerned, did you tell them that you had met Janet Arvizo?
A. Yes.
Q. You told them that you had -- did you tell them that you had met the children?
A. Yes.
Q. Did you tell them where the mother usually stayed?
A. I believe so. I don't know if that came up. I know that she stayed in the guest units.
Q. Okay. Did one of the officers ask you if the children had ever stayed in the arcade, slept in the arcade?
A. Possibly.
Q. Did the children ever sleep in the arcade?
A. There's no sleeping quarters in the arcade, so I wouldn't -- I wouldn't think so.
Q. All right. Now, did you tell the -- you were asked a question by Mr. Auchincloss about whether or not you said that the children, the Arvizo children, had slept in Mr. Jackson's room. I believe that was the question that was asked. Do you have personal knowledge -- have you seen the children sleeping in Mr. Jackson's room?
A. I don't recall that question being asked.
Q. Okay. Well, let me ask you this: Do you recall the Arvizo children actually sleeping in Mr. 9771

Jackson's room? In other words, did you see them sleeping in Mr. Jackson's room? Forget about what you were asked.
Let me start over. I'm asking you right now. Did you ever see the Arvizo children sleeping in Mr. Jackson's room?
A. I don't believe so.
Q. All right. Did you -- were you aware, through your duties and in the course of what you were doing, that the Arvizo children were sleeping in the house?
A. Yes.
Q. Did you assume that they were probably sleeping in Mr. Jackson's quarters?
A. I didn't assume. But there is an extra room in the suite, so, yes, they could have been.
Q. All right. And about how long was your interview that day with the police, the sheriff's and D.A.'s investigators at the ranch on November 18th, 2003?
A. About an hour and a half, I think. An hour maybe.
Q. Now, you were also asked about whether or not you were interviewed by various people. Let's start with Eric Mason. Do you know who Eric Mason actually worked for?
A. Ultimately? I believe Mr. Jackson.
Q. All right. First of all, is Mr. Mason a 9772

licensed private investigator?
A. I don’t know.
Q. Okay. Where is he from? Do you have any idea?
A. I believe he lives in the Bay Area.
Q. Okay. Do you know whether or not he has an office up there?
A. I believe so.
Q. Have you ever seen the name of his office or his firm?
A. No.
Q. Okay. Now, do you know if Mr. Mason was working for an attorney or attorneys as an investigator?
A. I believe so.
Q. Okay. When you say ultimately for Mr. Jackson, do you know whether or not he was working for the attorneys or if he was employed directly by Mr. Jackson?
A. I don’t know.
Q. Have you seen Mr. Mason in the company of any attorneys over the years?
A. Yeah.
Q. Okay. Which attorneys?
A. I believe Mark Geragos, yourself. Do you mean there together?
Q. Yeah. Do you know if -- for instance, do you know Steve Cochran? 9773

A. Yes.
Q. Okay. And who does he work for?
A. Are we talking firm, or --
Q. Yes, his firm. Do you know the firm?
A. Rosenman -- I'm just not sure on the rest of it.
Q. Okay. A firm that includes the name Rosenman; is that correct?
A. Yes.
Q. And is that -- where is that firm located?
A. In Los Angeles.
Q. Do you know if Mr. Mason was working for Mr. Cochran and that firm?
A. I think so.
Q. All right. All right. You mentioned you'd seen me over the years; is that right?
A. Yes.
Q. And during the period of time in recent years that you've been the ranch manager, have you been responsible for making arrangements for the attorneys and investigators to come to the ranch for various purposes associated with the case?
A. Yes.
Q. Did you make an effort to avoid being involved in any substantive discussions while attorneys and investigators were there?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained. 9774

Q. BY MR. SANGER: Did you -- would you be interviewed whenever attorneys or investigators would come to the ranch?
A. No.
Q. What would happen, generally?
A. Generally we would just go about our business, whatever needed to happen with regard to if it was -- they were there for -- it was more or less I was just there to assist them if they needed something, an area opened or -- just mainly to assist them if they needed something.
Q. So you've met Mr. Mesereau before, I take it?
A. Yes.
Q. You met Miss Yu?
A. Yes.
Q. Now, as far as being interviewed about this case, as far as defense investigators, somebody representing Mr. Jackson, you referred to about a page -- and I think you said it was a page or a page-and-a-half interview that you reviewed earlier; is that right?
A. Yes.
Q. And who was the investigator who actually did the interview of you for that report?
A. Jesus Castillo.
Q. Jesus Castillo. And did -- is Mr. Castillo a licensed private investigator, to your knowledge? 9775

A. I believe so.
Q. Okay. Where is he from?
A. Here in Santa Maria.
Q. All right. He has an office here in Santa Maria?
A. Yes.
Q. Did Mr. Castillo tell you what to say?
A. No.
Q. What did he do?
A. He asked me -- number one, he subpoenaed me. Number two, he let me see the report, if you will, and just -- I was at his office for 15 minutes. It was --
Q. Okay. That was recently, to get you here --
A. Yes.
Q. -- right?
Okay. Before that, there's a report that you reviewed that had to do with your testimony, you said.
A. Uh-huh.
Q. So my question is, how did that report come about? Was that as a result of you talking to somebody?
A. With Jesus.
Q. There you go. Okay. Do you remember when that was that you talked with Jesus?
A. Just recently. Two months ago maybe.
Q. And so two months ago was the first time you 9776

1 sat down and were actually interviewed by an
2 investigator about this case?
3 A. That's correct.
4 Q. Now, back in '93, were you formally
5 interviewed by anybody, that you can remember?
6 A. I don't recall.
7 Q. Did Eric Mason ever make any effort to have
8 some kind of secretive talks with you?
9 A. No.
10 Q. All right. So when you talked to any
11 investigators or lawyers, did you speak honestly,
12 whatever the context was, with any of the defense
13 lawyers or investigators?
14 A. Yes.
15 Q. Okay. Let's go back to other questions that
16 you were asked. You talked about having codes
17 programmed into the phone, right?
18 A. Yes.
19 Q. First of all, are guests at the ranch
20 instructed on how to use the phone?
21 A. Yes.
22 MR. AUCHINCLOSS: Objection; foundation.
23 THE COURT: Sustained.
24 Q. BY MR. SANGER: Okay. To your knowledge --
25 you're the ranch manager. Based on your knowledge
26 of ranch operations, is it policy to advise or
27 instruct guests on how to use the phone?
28 A. Yes. 9777

Q. All right. And have you personally either done so yourself or witnessed other employees instruct guests on how to use the phone?
A. Yes.
Q. Are you asked from time to time how to use the phone?
A. Yes.
Q. Do you ever deny guests the information as to how to use the phone?
A. No.
Q. Now, you talked about two different situations, one being the three-digit entry --
A. Yes.
Q. -- and you said it can be any three digits?
A. That's correct.
Q. So basically you get one of these phones and you have to push a button to get a line. You hit the digits and that gives you an open line. You hit that button and you can call out; is that right?
A. That's correct.
Q. And if anybody ever asked you how to do that, you would tell them, right?
A. Yes.
Q. And you believe that there's some of the phones -- let me withdraw that.
Do you have any question as to whether or not some of the phones are accessible without the three-digit code? 9778

A. That is true.
Q. So you're not absolutely certain which phones are which; is that right?
A. Exactly.
Q. And you believe that the phones in the guest quarters do not need the three digits?
MR. AUCHINCLOSS: Objection. Misstates the evidence; leading.
THE COURT: Overruled.
THE WITNESS: I believe that to be true.
Q. BY MR. SANGER: All right. Now, let's put it this way: If somebody were in the guest units, and they were able to call from the guest units to somebody in Los Angeles, they would either have to have a phone without the code or they would have to know the code, correct?
A. Correct.
Q. And if they were able to get that outside line and make a call to people in Los Angeles, they could call 9-1-1; is that correct?
A. That's correct.
Q. And by calling 9-1-1, they'd actually get the outside 9-1-1 dispatch center; is that right?
A. That's correct.
Q. Is it also possible to call security for an emergency?
A. That is correct.
Q. And how would you do that? 9779

A. You would use the intercom to call the front gate. They're there 24 hours a day.
Q. All right. So if there's ever an emergency of any sort, you can call -- you can call for security and they'll respond; is that right?
A. That's correct.
Q. You mentioned that there were a number of things set up in the ranch by Mr. Jackson that involved games and entertainment and that sort of thing; is that correct?
A. Yes.
Q. Are they just for children?
A. No.
Q. Do adults also partake of the various video games and rides and other things at the ranch?
A. Yes.
Q. Do adults seem to enjoy it as well?
A. Yes.
Q. By the way, before I turn my page here, I'll go back to the telephone calls for a second. To your knowledge, as the ranch manager and having reviewed all the records of the ranch, and based on any information you received from department heads or anybody else at the ranch whatsoever, is there any indication whatsoever that Janet Arvizo was in any way restricted from using any telephone at that ranch?
MR. AUCHINCLOSS: Objection; foundation. 9780

1 THE COURT: Sustained.
2 Q. BY MR. SANGER: All right. Now, you were
3 asked by Mr. Auchincloss about special bonds with
4 different people and he asked about young boys, I
5 think, in his own words. Do you recall those
6 questions?
7 A. Yes.
8 Q. Did Mr. Jackson have any special bonds with
9 young girls?
10 A. Yes.
11 Q. Can you recall -- well, I don't want to go
12 and list the names here unnecessarily, but do you
13 recall any Cascio children?
14 A. Yes.
15 Q. Who would that be?
16 A. Marie Nicole.
17 Q. Who how about the Culkin family?
18 MR. AUCHINCLOSS: Objection; leading.
19 THE COURT: Sustained.
20 Q. BY MR. SANGER: Well, you were asked about --
21 let me see here. You were asked specifically --
22 May we approach for a moment? I just have a
23 technical issue on this.
24 THE COURT: All right.
25 (Discussion held off the record at sidebar.)
26 MR. SANGER: Okay. May I proceed, Your
27 Honor?
28 THE COURT: Yes. 9781

MR. SANGER: Thank you.
Q. All right. Were there other girls who were family members -- let me withdraw that.
Were there other girls who visited the ranch?
A. Yes.
Q. And did other girls besides Marie Nicole seem to have a special bond with Mr. Jackson and vice versa?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. SANGER: And who were they, the best you can recall? Do you recall some names?
A. I don't recall the names of each individual child, no, but some of the Culkin kids. Karlee Barnes. I don't recall exact names now.
Q. Okay. But were there girls involved in activities?
A. Yes.
Q. Now, were there also adult women who had a special bond with Mr. Jackson?
MR. AUCHINCLOSS: Objection -- well, I'll withdraw that objection.
THE COURT: Go ahead.
THE WITNESS: Yes. 9782

Q. BY MR. SANGER: Okay. Besides the women to whom he was married, were there other women who seemed to be particularly close friends with Mr. Jackson?
A. It appeared to be, yes.
Q. Okay. Do you recall the names of any of those particular individuals?
A. Besides his wives?
Q. Yeah.
A. He has friends. Elizabeth Taylor. I'm drawing a blank on a few of the names, but --
Q. You need to speak up just a little. It's -- you're trailing off there.
You said Elizabeth Taylor. And you drew a blank on the others?
A. Yeah. There's other women, I just don't --
Q. All right. Okay. All right. Now, just picking up, again, on questions that you were asked here. You were asked about Frank Cascio having a desk. Was there a desk that he was allowed to use at the ranch?
A. Yes.
Q. All right. Do you know if anybody assigned it to him or if he just started using it?
A. He went and bought it.
Q. Oh, he bought it?
A. Okay.
Q. And where did he put this desk? 9783

A. In the video library.
Q. All right. Now, the video library is up above the garage; is that correct?
A. Correct.
Q. Can you describe the video library itself, just briefly? What does it look like?
A. It's filled with videos and DVDs, laser disks, all different titles.
Q. Are they arranged? Does it look --
A. Yes.
Q. How is it arranged?
A. By category.
Q. All right. Sort of like a Blockbuster? If you walk in there, the same kind of shelves?
A. Yeah, you can go to the comedy section or horror section, cartoon section, yes.
Q. And is there a small living area at the west end of that video library?
A. Yes.
Q. And describe that very briefly.
A. It's a couch, a massage chair, a bed. Actually, the couch turns into a bed. And a kitchen area and video equipment to watch movies.
Q. All right. And do guests sometimes stay there?
A. Yes.
Q. All right. Now -- and did Frank Cascio sometimes stay there? 9784

A. Yes.
Q. Did other people sometimes stay there?
A. Yes.
Q. Where was this desk that Frank Cascio bought? Where did he put that desk in this --
A. I believe it was in the -- at the other -- the other end of the building.
Q. So the east end?
A. The east end, yes.
Q. So you got the video library, that is kind of like Blockbuster, in the middle?
A. Uh-huh.
Q. And you have the little kitchenette and a convertible sofa on the west end?
A. Exactly.
Q. And on the east end there's a little cove, and the desk was stuck there; is that right?
A. Yes. Next to the rest room.
Q. And was this a full-fledged office where this desk was placed, or was it -- was it a big office with chairs --
A. No.
Q. -- and all that? Just describe it.
A. One chair. Fax machine. Computer.
Q. All right. Now, you were asked about Vinnie being there as much as Frank. Was Frank sometimes there when Vinnie was not there? 9785

A. Yes.
Q. And we're talking about February and March of 2003, okay?
A. Uh-huh.
Q. How often was Frank there and Vinnie not there?
A. I don't recall.
Q. You recall that it happened, but just not the frequency?
A. Yeah.
Q. And from February the 7th, let's say, to March the 12th, that period of time, was Frank always at the ranch during that period of time?
A. I don't know if he was there every day.
Q. Okay. You can check the logs and that might help you make that determination; is that right?
A. Yes.
Q. Was Vinnie ever there during that period of time when Frank wasn't there?
A. I don't recall.
Q. All right. Now, when you were a security guard, there was something asked about your being armed. Did you have a guard card at that time?
A. Yes.
Q. What is a guard card?
A. It authorized you to carry a weapon here in the State of California.
Q. And do you need to have a guard card, to 9786

your knowledge, on private property?
A. I don't believe so.
Q. Okay. But you had one anyway?
A. Yes.
Q. And did you have to qualify?
A. Yes.
Q. At the time when you were carrying a weapon -- let me stop that for a second and ask this: At this point in time, nobody carries a weapon out there; is that correct?
A. Correct.
Q. At the time when you were carrying a weapon in the early '90s at the ranch, did you feel that it was an appropriate thing to do?
A. At that point, yes.
Q. And this is a ranch, we've heard about. Are there unimproved portions of this ranch?
A. Yes.
Q. Are there areas where you will go up into the hills and into brush and --
A. Yes.
Q. -- tree areas, that sort of thing?
A. Yes.
Q. As part of the security job, would you have to go into those areas from time to time?
A. Yes.
Q. Now, since that time, things have worked out okay without being armed; is that correct? 9787

A. Yes.
Q. And do you have good radio communication now, in the last couple, few years?
A. Yes.
Q. So if you encounter a problem or anybody on the ranch encounters a problem, they can call security to back them up?
A. Yes.
Q. What's the response time usually, if you're in the main area of the ranch, if somebody puts out an emergency call for security?
A. Couple of minutes.
Q. There was a question about alcohol being served. Is it true or not that alcohol was only served at two events prior to your interview in 2003?
A. When we say "event," I'm talking like a large group of children or group of people that come to the property. So, yes. A wedding or something of that nature.
Q. And when you say "event," at your job, that takes on a particular meaning; is that correct?
A. Yes.
Q. It's not just Mr. Jackson having friends over for dinner?
A. No.
Q. Okay. And for events, what do you generally have to do if you're going to have an event there? 9788

In other words, do you have to get special equipment, put tents up, do things like that?
A. Yes. Yes.
Q. And so your recollection that there were two events, do you remember what events they were?
A. I believe the Britto party of 2000 -- I think it was 2003. Or '2, actually. And there was probably two weddings that wine was served.
Q. All right. And since you were there when the ranch was purchased by Mr. Jackson, was it purchased furnished?
A. I believe so, yes.
Q. And was part of what was purchased a collection of wine?
A. Yes.
Q. Has that collection of wine been depleted since the purchase of the property?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe there's still some, but most of it has, yes, been consumed.
Q. BY MR. SANGER: And that -- let me withdraw that.
Okay. Let's talk about the orthodontist. You were asked some questions about that. Is it your understanding that Mr. Jackson ultimately paid for the orthodontic work that was done on the Arvizo 9789

1 children?
2 A. Yes.
3 Q. Do you know how much it was?
4 A. I believe it was about $700 or $800. 750,
5 possibly.
6 Q. You were asked about the request that was
7 made by Mrs. Arvizo, Janet Arvizo, for orthodontic
8 care for her children. Can you describe that in
9 more detail? What was requested?
10 A. I believe the children's --
11 MR. AUCHINCLOSS: I'll object. Hearsay.
12 THE COURT: Foundation.
13 MR. SANGER: Okay.
14 Q. You were asked what reason was given for the
15 orthodontic care or the request for the orthodontic
16 care. Do you recall that?
17 A. Yes.
18 Q. And you gave an answer, and then Mr.
19 Auchincloss, I think, interrupted you.
20 Where did you get the information from for
21 that answer? In other words, how did you know that
22 orthodontic care was being requested by Janet
23 Arvizo?
24 A. I believe I spoke with Janet on that day.
25 Q. All right. And what did she tell you?
26 A. That her children's teeth were hurting
27 extremely badly and needed some care. Didn't want
28 to go back to the -- the orthodontist in L.A. I 9790

1 believe there was an issue with prior payment. She
2 just wanted to take those braces off and send them
3 back to the orthodontist that originally put them
4 on, I believe.
5 Q. All right. Did she tell you what she wanted
6 to do with her children's teeth after the braces
7 were removed and sent back to the orthodontist?
8 MR. AUCHINCLOSS: Objection. Relevancy;
9 hearsay.
10 THE COURT: Sustained.
11 MR. SANGER: All right.
12 Q. In any event, you made the arrangements for
13 her to go to the orthodontist, correct?
14 A. Yes.
15 Q. And was there any particular reason why it
16 was set up at the end of the day?
17 A. I believe it was just for convenience. I
18 don't believe that they were on property and I think
19 it was just easier for the orthodontist as well as
20 for us.
21 Q. All right.
22 A. I believe we did request to do it after
23 hours.
24 Q. Okay. Is that something that -- is that the
25 only time you've ever requested local business
26 people or professionals to see ranch guests after
27 hours?
28 A. No. 9791

Q. And is there some reason why you do that from time to time?
A. Just for convenience and for -- obviously just to protect the guests, if you will, if it's somebody that doesn't want to go into a public place at that point.
Q. All right. Now, on that particular day, you said that Janet Arvizo and all three of her children were in Santa Maria with Vinnie. I believe that was your answer; is that correct?
A. Yes.
Q. What was your understanding of what they were doing in Santa Maria?
MR. AUCHINCLOSS: Objection. Hearsay; foundation.
THE COURT: Foundation; sustained.
Q. BY MR. SANGER: How did you know they were in Santa Maria?
A. I believe they went to get their passport pictures taken.
MR. AUCHINCLOSS: Objection. Move to strike; nonresponsive.
THE COURT: Sustained. Stricken.
Q. BY MR. SANGER: Okay. You answered this question for the District Attorney, so I'm just wondering what is your source of information. Did somebody tell you that they were going to Santa Maria for some purpose? 9792

MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
You may answer that “yes” or “no.”
THE WITNESS: I gave them directions to a place that I thought might be able to help them with their passport picture.
Q. BY MR. SANGER: Okay. So did that discussion you already told us about take place before Vinnie and Janet and the children left?
A. Yes.
Q. Okay. And then they left, and then you got a call to come and meet them at the orthodontist?
A. I believe we had arranged it earlier that day, but, yes.
Q. Okay. There was a question about International Business Management, which has the initials IBM, it turns out.
Did you -- it’s not International Business Machines, the famous IBM, I guess.
Were you aware of this company, IBM, or International Business Management?
A. I don’t recall. I believe it possibly could have been a business manager.
Q. Okay. Were there accounting firms from time to time that handled business management for Mr. Jackson?
A. Yes.
Q. Were there accounting firms that did so for 9793

a long period of time, to your knowledge?
A. Yes.
Q. All right. More recently, what accounting
firm has been handling things over the last couple
of years?
A. Bernstein, Fox & Whitman.
Q. And prior to that, do you remember the name
of the accounting firm?
A. I think it was one or two that were
simultaneous, so I'm not sure on the names.
Q. Okay. Was there one that was there for a
fairly short period of time?
A. Yes.
Q. And do you know whether or not that was IBM?
A. I don't recall.
Q. All right. In any event, you were asked if
you recall talking to somebody there in February of
2003. Do you remember the question?
A. Uh-huh.
Q. Okay. And you weren't sure. I think that
was the answer.
A. That's correct.
Q. All right. Before February 7 of 2003, from
the beginning of January through February 6th of
2003, was Mr. Jackson on the premises?
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled.
You may answer. 9794

THE WITNESS: I don't recall. I don't keep track of every day that he's on property.
Q. BY MR. SANGER: Okay. Thinking back to the beginning -- let me ask you, was there a period of time when Mr. Jackson was in Florida for an extended stay?
A. Yes.
Q. Do you recall when that was?
A. I believe it was around Christmastime and before.
Q. Okay. Was it before February 2003?
A. Yes.
Q. Okay. Now, when Mr. Jackson is not on the premises, is it necessary to have as much staff power as you would have when he's on the premises?
A. Not necessarily.
Q. Okay. And if he's on the premises with a number of guests, do you need more staff time than if he's not there at all and there are no guests there?
A. Yes.
Q. And if he's on the premises and there are a number of guests and you also have some kind of media flurry that you talked about, where there is more interest from the media, do you need to have more staff people than if he's not there, there's no media attention and there are no guests?
A. Yes. 9795

Q. All right. Now, you mentioned something about adult materials, and we talked about those figurines that Mr. Auchincloss wanted to show you. Did you ever see Mr. Jackson personally in possession of adult materials?
A. No.
Q. Did you ever see him -- did you ever see adult magazines or books on display in any of the public areas or -- I say “public areas,” any of the areas where guests would be frequenting?
A. Not on display, no.
Q. All right. All right. Now, you asked -- you were asked some questions about -- earlier on about the nature of Neverland and its attraction, and Mr. Auchincloss wanted to ask about young boys. Was -- were the attraction --
MR. AUCHINCLOSS: I’m going to object to the prefatory remarks.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Were the attractions of Neverland oriented towards families?
A. Yes.
Q. Do you believe it’s an appropriate, a nice place for families to visit?
MR. AUCHINCLOSS: Objection; calls for a conclusion.
THE COURT: Overruled.
THE WITNESS: Yes. 9796

MR. SANGER: No further questions.

RECROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Mr. Marcus, in regard to the lack of security at Neverland during February 4th -- February of 2003, the reason for that is because Mr. Jackson wasn't making his payroll; isn't that true?

MR. SANGER: Objection. Assumes facts not in evidence and relevance.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: Are you, as ranch manager, familiar with the finances, the financial part of operating Neverland?

A. No.

Q. You have no idea what the expense of running Neverland is?

MR. SANGER: First of all, asked and answered; and secondly, no foundation; thirdly, relevance.

THE COURT: Sustained.

Q. BY MR. AUCHINCLOSS: You said that Mr. Jackson was not -- you've never seen him in personal possession of adult materials. What would you call those figurines that I showed you?

MR. SANGER: Objection. Argumentative; asked and answered.

MR. AUCHINCLOSS: I'll rephrase. 9797

Q. Wouldn't you call those figurines that I showed you adult materials?
MR. SANGER: Objection; asked and answered.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. They strike me as artwork, yes.
Q. They're just artwork? Or adult materials?
A. It's a type of art.
MR. SANGER: Objection. Excuse me. Object. Argumentative; compound.
THE COURT: Overruled, but I really don't have your question.
MR. AUCHINCLOSS: Yes. I'll rephrase that.
Q. My question is, would you consider the adult -- the figurines that I showed you adult materials?
A. I consider them a type of artwork.
Q. Do you consider them to be adult materials? I'm not asking you whether they're artwork or not.
A. I understand your question.
Q. My question is, do you consider them to be adult materials? Yes or no.
A. A type of artwork of adult nature, yes.
Q. You think it's appropriate for children to be exposed to these type of materials?
A. No.
Q. You were asked about Mr. Jackson's relationship with young girls. And over your 9798

17-year period at Neverland, you were able to come up with two names that he had a close relationship with young girls, Karlee Barnes and Marie Nicole Cascio, correct?
MR. SANGER: Objection; argumentative.
THE COURT: Overruled.
MR. SANGER: And misstates the evidence, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe you gave me a list of the boys' names. And I didn't have a list of the females' names, so, no, I don't recall every single person's name, no.
Q. BY MR. AUCHINCLOSS: So my question is, you were able to come up with two names. Any more? Is that it? Just two?
MR. SANGER: Objection. Argumentative; misstates the evidence. He came up with more than two names, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm sure there are others. There was Shane Brando's sister. I don't recall her name.
Q. BY MR. AUCHINCLOSS: Go ahead.
A. I don't recall her first name off the top of my head. 9799

Q. My question is, can you remember any other names?
A. No.
Q. No. And you were asked about adult women that Mr. Jackson formed a special bond with other than his wives. And you came up with one, Liz Taylor, correct?
A. Do you mean just friends? People that I --
Q. I mean a special bond, close bond, close relationship with.
A. Liza Minnelli has been there, and they seem to be good friends.
Q. How many times has Liza Minnelli been there?
A. I don't recollect.
Q. So we're up to two. Any others?
MR. SANGER: Objection, Your Honor.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When you were interviewed by the investigator at the time of the service of the warrant, you did acknowledge that you knew each one of the Arvizo -- each member of the Arvizo family, correct?
A. I did acknowledge?
Q. Yes.
A. Yes.
Q. But in the beginning, you acknowledged that you met only the mother, correct?
MR. SANGER: Objection, Your Honor, this has 9800

been asked and answered.
MR. AUCHINCLOSS: Counsel went into it.
THE COURT: The objection is overruled.
Q. BY MR. AUCHINCLOSS: But in the beginning, you stated that you had only met the mother, correct?
MR. SANGER: Objection. That misstates the evidence and it's argumentative.
MR. AUCHINCLOSS: I'll rephrase.
Q. If the beginning, you said, "Honestly, I only met the wife or the mother," correct?
A. In the beginning I also asked for an attorney to be present and was denied that by Mr. Tom Sneddon.
Q. Do you have an attorney in this case?
A. No.
Q. Have you ever had an attorney in this case?
A. Yes.
Q. Who paid for that attorney?
MR. SANGER: Objection, Your Honor, relevance.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did that attorney tell you not to talk to law enforcement?
MR. SANGER: Objection, Your Honor, calls for attorney-client privilege. Counsel knows better than that.
THE COURT: Sustained. 9801

MR. AUCHINCLOSS: There's been testimony to this effect, but nevertheless, I'll move on.
MR. SANGER: Objection, Your Honor. Move to strike counsel's gratuitous remarks.
MR. AUCHINCLOSS: Well --
MR. SANGER: And I'd ask the jury be advised.
THE COURT: I'll strike your remarks, Counsel. That's inappropriate.
MR. AUCHINCLOSS: All right.
THE COURT: I think we'll --
MR. AUCHINCLOSS: End for the day?
THE COURT: We'll take a break. (To the jury) I'll see you tomorrow. Remember the admonition.
(The proceedings adjourned at 11:30 a.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 9739 through 9802 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 10, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 10, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304